



SAN DIEGO TRIBAL LISTENING SESSION – MEETING SUMMARY

Friday, March 25, 2016

Tribal Participants:

1. Lindsay Fletcher, Pechanga Band of Luiseño Indians

Caltrans Participants:

1. Mark Barry, Division of Rail & Mass Transportation, Caltrans
2. Chili Cilch, Caltrans
3. Andrew Cook, Division of Rail & Mass Transportation, Caltrans
4. Bennie Lee, Native American Liaison Branch, Caltrans
5. Tyler Monson, Office of Freight Planning, Caltrans

Other Participants:

1. Sarah Allred, Cultural Resources Manager/Tribal Liaison, CA High-Speed Rail Authority
2. Kevin Alvarado, Public Information Officer, CA High-Speed Rail Authority
3. Stephanie Lucero, Center for Collaborative Policy
4. Stephanie Perez, Environmental Protection Specialist, Federal Railroad Administration
5. Alisa Reynolds, Cultural Resources Manager, High-Speed Rail

Information Packets (provided to participants):

- Agenda
- 2018 Ca State Rail Plan Tribal Listening Session PowerPoint Presentation
- California Sustainable Freight Action Plan Tribal Listening Session PowerPoint Presentation
- High Speed Rail Tribal Listening Session PowerPoint Presentation
- 2018 Ca State Rail Plan Fact Sheet
- 2018 Ca State Rail Plan Timeline and Contact Flyer
- California Sustainable Freight Action Plan
- California Sustainable Freight Map
- Governor's Executive Order on Sustainable Freight
- CA High-Speed Rail Program Overview Fact Sheet
- CA High-Speed Rail Section 106 Programmatic Agreement (PA)
- CA High-Speed Rail Fact Sheet regarding proposed Section 106 PA Revisions

Highlights and Themes:

- Significance of Pu'eska Mountain to the Pechanga Band of Luiseño Indians.
- Pedestrian access to State Rail and High Speed Rail (HSR).
- 2018 Ca State Rail Plan (Ca. State Rail) opportunities for Economic Development (i.e. proximity to tribal business enterprises).
- Ensuring HSR alignment does not impact important cultural resources, including sacred sites.
- Tribal interests in developing individual memorandum of agreement as opposed to programmatic agreement.
- Outreach to Southern California Tribes.



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1) Introductions and Welcome – Chili Cilch and Stephanie Lucero

- Ms. Cilch thanked everyone for attending and special thanks to Lindsay Fletcher for joining the session.
- This is the 2nd Listening Session held throughout the State. The 1st was in Redding, Ca and the final session will be held in Sacramento, CA. The Sacramento session includes a webinar component.
- Participants were informed that there is an audio recording of all question and answer sessions and the full discussion during the listening session. Transcripts will be prepared for those portions of the listening sessions. Likewise, a video recording of the Sacramento listening session will be available to view for those interested in hearing presentations again or reviewing details.
- Ms. Lucero reported that many Tribes within the region recommended sharing information from these listening sessions through the Interagency Technical Working Group on Tribal Transportation Issues of SANDAG (San Diego Association of Governments) via District Native American Liaison, Chi Vargas. Mr. Vargas received a meeting material packet in preparation for that meeting.
- These listening sessions were coordinated to offer Tribes an opportunity to hear about and provide input on the 2018 California State Rail Plan (Ca. State Rail Plan).
- Caltrans and the CA High-Speed Rail Authority coordinated to provide information on ongoing efforts that are related to the Ca. State Rail Plan and may be of interest to Tribes including the CA High-Speed Rail Authority Programmatic Agreement for compliance with Section 106 of the National Historic Preservation Act and the California Sustainable Freight Action Plan. This design was directly in response to requests from tribes to coordinate outreach among similar agency efforts or programs.
- Each of the programs and plans being discussed today are connected with the California Transportation Plan (CTP) and meetings that Caltrans has had with Tribes in previous years.
- Feedback from this session will build on those earlier plans and discussions and will be incorporated into the Ca State Rail Plan, the California Sustainable Freight Action Plan, and the CA High-Speed Rail (HSR) Section 106 Programmatic Agreement. This was in response to requests from tribes to provide more coordinated outreach on upcoming and related projects.

2) Presentation on the 2018 California State Rail Plan – Andy Cook

- Completion on the Ca. State Rail Plan will be reached by 2018.
- Ca. State Rail Plan differs from other statewide plans in that the infrastructure is owned primarily by private rail owners.
- The Ca State Rail Plan is a more complicated process based on coordination among these private owners, public stakeholders and other plans.
- The Ca. State Rail Plan is a series of statewide plans that are prepared with input from the California Transportation Plan (CTP). That's a statewide policy document for transportation that shapes and informs development of regional transportation plans which included a list of projects that are proposed for funding.



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- The Ca. State Rail Plan is a strategic planning document for the entire freight and passenger rail network. Specific implementation of plan, decisions and actions are generally deferred to individual rail operators, which includes the California High Speed Rail Program. Ca. State Rail Plan received numerous comments on the High Speed Rail Program. This provides an example of the relationship between the Ca. State Rail Plan and individual rail operators like the High Speed Rail Authority.
 - The California High Speed Rail Authority which develops a business plan
 - Ca. State Rail Plan references and reviews the High Speed Rail business plan. This is incorporated into the Ca. State Rail Plan.
 - Then the High Speed Rail Authority is responsible for project development and construction actions as well as project specific environmental reviews through CEQA, and NEPA, and then cultural resources preservation considerations.
- The Ca. State Rail Plan is updated every four years to establish a vision for prioritizing state and federal investment in the passenger and freight rail network in the state. This plan provides a basis for capital project funding for the Federal Railroad Administration (FRA) as well as other statewide strategic and policy planning.
- The Ca. State Rail Plan is based on FRA guidance and includes:
 - Rail Investment Program, which includes:
 - Short-term of four years, project specific level
 - Long-term vision program, general corridor level.
 - Program effects analysis (economic, environmental and community)
 - Incorporation of output from the state's Network Integration Strategic Service Plan, which is a passenger rail planning initiative being coordinated by Caltrans with the California State Transportation Agency.
- State rail planning includes consideration of both passenger and freight rail systems within the state.
- The 2018 CA State Rail Plan focuses on identifying a statewide network that integrates high speed, conventional intercity, connecting intercity bus and commuter rail with time connections at hub transfer points and careful consideration of connections to local and regional transit systems.
- Corridor passenger rail planning initiative
 - Efforts include identifying the state and freight corridors and how they connect.
 - The network integration process involves identifying the networks of high-speed rail, bus service and community transfers.
 - The rail program provides a better transportation system.
 - The San Joaquin will connect to other systems at hub stations.
- The Ca. State Rail Plan also looks at freight. This includes multiple focus areas:
 - Trade corridor improvements.
 - Includes capacity improvements in dense corridors where there are opportunities to separate freight and passenger lines.
 - Economic Development and Short lines.
 - Includes expanding freight access to growing industries.
 - Grade crossing improvements to increase safety.



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- Terminal and yard capacity to reduce truck trips and decrease pollution near ports.
- The Ca. State Rail Plan update is ambitious in terms of coordination and integration of statewide services, requiring robust outreach.
- The Ca. State Rail Plan started out with:
 - Outreach to the Native American Advisory Committee.
 - Establishing a Stakeholder Advisory Committee (including three seats for Native American Tribal Chairman Associations from North, South and Central California),
 - Statewide survey,
 - Ca. State Rail Plan Website (with Native American Tribes section), and
 - Initiation of early government to government consultation with Tribes.
 - Additional invitations to consult will be sent prior to release of the Draft Ca. State Rail Plan.
- During the 2013 Ca. State Rail Plan Tribes shared the following issues:
 - Early consultation and communication on State Rail Plan activities.
 - Protection of cultural sites is important in planning for the future rail network and new rail lines.
 - Access to passenger rail services is important.
 - Rail plans must be coordinated with Native American Transportation Plans.
 - More information on the connection between the State Rail System and High Speed Rail is needed.
 - Environmental impacts associated with passenger and freight lines.
- The Ca. State Rail Plan will include a section on Native American concerns and how the plan can address those concerns.
- The public survey had 2100 responses, including responses from Native American Tribes. Key themes and issues from that survey were:
 - Rail is important for commuting.
 - The most popular rail systems are BART and Amtrak, pointing to the need to coordinate connections between intercity rail and regional transit systems.
 - People like to use rail because it's convenient, however, train schedules are not convenient currently.
 - Expanding coverage is the most improvement to make, and
 - Grade separations should be the highest priority.
- The Ca. State Rail Plan is currently in the visioning process and the technical analysis for the rail plan, which is expected to be finished early this summer.
- The plan is coordinated with the HSR business plan which has been released for public review and that'll be completed in May of 2016.
- The Draft Ca. State Rail Plan will be developed and reviewed over the course of this year with release of a public draft document in March of 2017. Public comment period for the rail plan will be open between March and April of 2017.
- The Ca. State Rail Plan will then make revisions to the draft and review the document with federal and state partners.
- The Ca. State Rail Plan is expected to be complete by early 2018.



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Questions, Answers and Comments

- *The Tribe may prefer rail locations in closer proximity to tribal businesses. This will improve economic development and provide additional options for pedestrians in the area.*

3) Presentation on the California Sustainable Freight Action Plan – Tyler Monson

- The presentation materials today are abridged from public presentations occurring in January and February. The full presentation is available both here today and on the California Sustainable Freight Action Plan (Action Plan) website.
- Joining Caltrans today are agency staff from California Energy Commission and Air Resources Board to answer any questions about activities they're providing in the Action Plan.
- Freight transportation and supporting industries make up one third of the state's economy.
- There are also many laws and directives addressing greenhouse gas reductions in the state as a whole, which is impacted by freight transportation.
- Governor Jerry Brown issued executive order B 32 15 in July of 2015, identifying a transition to a more efficient and less polluting freight transportation system as an important policy objective for the state of California. The executive order calls for:
 - An integrated action plan by July, establishing targets;
 - Including state policies, programs and investments to meet the targets; and
 - Include corridor level freight pilot projects that will demonstrate progress towards a sustainable freight transport system.
- The secretaries for transportation, environmental protection and natural resources are creating this Action Plan.
- There are a number of state agencies and plans that are integrated into the Action Plan, including the California Freight Mobility Plan which deals with infrastructure and many aspects of the freight supply chain.
- The Action Plan is a first step in a multi-decade iterative approach.
- Action Plan creation is at an extremely accelerated schedule, working to meet with a broad group of stakeholders including the California Freight Advisory Committee which includes representatives from ports, rail, trucking, the various associations, tribal members and environmental organizations.
- The Draft Action Plan is anticipated to include the following components;
 - The 2050 vision in guiding principles which established a long term vision for California's future freight transport system,
 - Targets for 2030 to guide the state's progress,
 - Potential state agency actions to help achieve progress towards the 2030 targets, and
 - Freight efficiency strategies to improve the ability and move cargo with less environmental impact.
- A multiagency team developed a statewide vision for the sustainable freight transportation system and guiding principles to prioritize state resources to support the actions. The main components are:
 - Modernizing the freight system,
 - Providing for climate change resiliency, and



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- Prioritizing for zero emission equipment wherever feasible and near zero emission equipment everywhere else.
- The draft targets are for 25 percent efficiency by 2030. This is consistent with Caltrans' goal of 10 percent system efficiency by 2020.
- Metrics utilized include gross domestic product over the CO2 equivalent, which is really a proxy for greenhouse gas emissions. These metrics consider the values of goods and services relative to the amount of greenhouse gases they produce.
 - It was designed to acknowledge the role of business profit margins and promote low carbon economic growth in line with the state's carbon goals.
 - In the past, GDP and greenhouse gas emissions have been closely correlated as freight is moved throughout the state.
- The goal is to decouple the freight economy from this reliance on diesel fuel and move more freight using existing infrastructure.
- To measure progress towards the technology target, staff will use vehicle and equipment counts, tracking both zero and near zero emission freight technologies as introduced into service across the various freight sectors.
- This includes locomotives, trucks, cargo handling equipment, forklifts, oceangoing vessels that dock at ports, and refrigeration units.
- 70 potential actions have been identified for inclusion in the Action Plan. Not every measure will advance all three target priorities, the sweep of agency actions taken as a whole will. These Actions are categorized as follows:
 - Increase system efficiency using ITS connected vehicles and other solutions.
 - Accelerating the use of clean vehicle and equipment technologies.
 - Focusing infrastructure planning and investments on providing modern freight corridors, and
 - Local economic and workforce development opportunities to operate new vehicles.
- Many of these carry over from existing plans and others are new concepts based on review of gaps in the state's existing strategies and from outreach conducted so far.
- The Action Plan also identifies a number of pilot projects. An example of those include:
 - A food consolidation distribution hub in Northern California.
 - A set of strategies for addressing urban freight delivery in the Bay Area.
 - A dairy biogas production and fueling facility for freight trucks in the San Joaquin Valley.
 - Development of a truck only lane in Southern California to facilitate the use of advanced technologies.
 - Dedicated clean truck fast lane at the U.S. and Mexico border to reduce the miles long queue of trucks waiting to enter California at the border.
- State agencies anticipate gathering additional information about these pilot projects through coordination with the people that have submitted them and also areas throughout the state where they might be implemented.
- Assessing the economic impact of the actions of the Action Plan is a vital component.
- A two-step process will be used to assess the impacts.
 - First, the cost and benefits of individual actions, and



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- Second is to look at broadly how those actions taken as a whole will affect the state's economy.
 - The next step is the release of the draft plan in the spring of 2016.
 - Tribes are invited to consult until the draft Action Plan is completed.
 - The final plan is anticipated for submittal to the Governor's office in July 2016.
- 4) Presentation on the California High-Speed Rail Project: Programmatic Agreement for compliance with Section 106 of the National Historic Preservation Act. – Kevin Alvarado & Sarah Allred**
- HSR also helps us meet the state's pretty ambitious air quality and sustainability goals such as AB 32 and SB 375 by getting people out of their cars and out of planes, and then the alternatives are costly.
 - Phase 1 of the HSR Program is 520 miles, and is currently under construction.
 - This goes from San Francisco area to the L.A. area.
 - Phase 2 are extensions to Sacramento and San Diego. There is also a proposed extension with Express West.
 - There are a lot of connections that need completed to ensure that this backbone of passenger rail in California connects with existing systems so it's useful for everybody.
 - HSR is working on environmentally clearing from San Francisco about to the Central Valley.
 - This is a blended system so there is integration with existing passenger rail systems in the area. HSR is also looking at:
 - Going into the Transbay Transit Center in San Francisco, a station in San Jose, the Diridon Station.
 - Connecting with SFO and Millbrae and then developing a station in Gilroy.
 - HSR Authority has a 30 percent small business participation goal. That includes construction that includes right of way, it includes public relations.
 - There are about 266 certified small businesses working on the program.
 - HSR is creating jobs, they have over 200 workers currently dispatched in the Central Valley doing construction work. HSR is also working with the local workforce investment boards to get people into training. And these are apprenticeship jobs that will carry over from HSR.
 - Before achieving these benefits, HSR must complete environmental reviews, including compliance with National Historical Preservation Act, Section 106
 - HSR executed a Section 106 Programmatic Agreement in July 2011. At that time, the HSR project was focused more on planning, but HSR now seeks to revise the programmatic agreement to be more consistent with the HSR project delivery focus now.
 - Currently environmental review is occurring on Phase 1, from San Francisco down to Los Angeles and Anaheim, whereas Phase 2 environmental review is not programmed at this time.
 - A major challenge for the high-speed rail program has been lack of access to private property along the alignments to conduct the environmental technical field studies, including pedestrian archaeological surveys.
 - While HSR conducts literature research, consults with the Native American Heritage Commission, and consults with Tribes directly to identify important cultural resources, pedestrian field surveys

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are critical for ground-truthing what resources may exist in the project area. Due to limitations in access to the land, the cultural resource surveys may happen later in the overall project delivery process, closer to when actual construction occurs.

- Therefore early input from the tribes is key to identifying resources early to record, evaluate, and take measures to avoid; and also, due to lack of access, HSR is in a position where resource identification occurs in the late stage of the project, when the train alignment is already set, making avoidance difficult. Thus, it is important to collaborate with the tribal community early to identify treatment and mitigation for effects to historic properties that cannot be avoided.
- HSR is working with tribal communities to identify more meaningful options for mitigation.
- It is important that tribes identify whether the HSR alignment will fall within their ancestral tribal territories and notify HSR if they are interested in the cultural resources investigation process.
- The current Section 106 Programmatic Agreement specifies how HSR will conduct outreach and consultation with Tribes.

Questions, Answers and Comments

- *Is the Southern California portion still being designed?*
- *Is there still an option for changing the Murrieta station site?*
 - *Yes, that is why we are interested in talking to Tribes early.*
 -
- *The Tribe may prefer the location in Temecula versus Murrieta to ensure closer proximity to tribal businesses.*
- *Pechanga Band of Luiseño Indians has a very robust GIS database that can help ensure alignment does not interfere with tribal cultural resources and sacred sites.*
 - *Yes, but not all tribes have the same level of GIS data to utilize.*
 - *Recommendation that discussion about cultural resources and alignment impacts should be conducted in person, with tribal cultural resource personnel.*
- *HSR confirmed that the programmatic agreement is focused on general Section 106 process and consultation. However a memorandum of agreement can address more section-specific requirements in terms of effects to historic properties, mitigation measures, points of contact, unique cultural or regional differences, etc.*
- *Tribes, like Pechanga Band of Luiseño Indians, may prefer to sign a more specialized Memorandum of Agreement to address specific and unique issues within their territories as well as distinct cultural differences.*
- *Closer to Phase 2 implementation, HSR may consider splitting Los Angeles and San Diego into separate sections for purposes of collective memorandum of understanding agreements.*
- *HSR is revising their Programmatic Agreement throughout the year and finalizing before year end.*

5) Listening Session Discussions – All

- A Tribe's concern over cultural resources or areas may be broad or distinct depending on the cultural resources. For example, Pu'eska Mountain hold significant importance to the Pechanga Band of Luiseño Indians.



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- Many Tribes are seeking greater pedestrian mobility, which may be addressed by greater access to State Rail and High Speed Rail (HSR) systems.
- Ca. State Rail Plan identification of new networks may provide opportunities for economic development by identifying rail systems that do not impact cultural resources and increase access to tribal business enterprises.
- It is vital that the HSR alignment design does not impact important cultural resources, including sacred sites.
- San Diego is a significantly large area. In terms of improving outreach it was recommended to first go through SANDAG's tribal working group and schedule southern California outreach opportunities like this Listening Session farther inland near Tribes like Pechanga Band of Luiseño Indians, Torres Martinez, etc. These Tribes would benefit by having meetings closer to their territories.

6) Next Steps – Stephanie Lucero

- Chi Vargas will receive a meeting packet, including all handouts and presentations, to share with the Tribal Working Group of SANDAG.
- We will post a copy of the meeting packet to the 2018 California State Rail Plan website.
- There are also links to the programs and projects referenced here today to provide additional comment. These meeting packets also include email contact information for 2018 California State Rail Plan, Sustainable Freight Action Plan, and HSR.
- These listening sessions are not government to government consultation, but the 2018 California State Rail Plan did issue invitations to Tribes to consult at this early phase of the 2018 California State Rail Plan development through June 2016. They are seeking input prior to developing a draft plan.
- The 2018 California State Rail Plan will issue additional invitations to consult once the draft plan is closer to completion.
- Meeting highlights and Transcripts of the question and answer and listening session portions of this webinar will be posted to the 2018 California State Rail Plan upon completion.